

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA	§	
	§	
VS.	§	CRIMINAL ACTION NO. C-09-616
	§	
TERRY LEE BIENTENDORF	§	

MEMORANDUM OPINION AND ORDER OF DETENTION PENDING TRIAL

A detention hearing has been held in accordance with the Bail Reform Act, 18 U.S.C. § 3142(f). The following requires detention of the defendant pending trial in this case:

(1) There is probable cause to believe the defendant committed an offense for which a maximum term of imprisonment of ten years or more is prescribed in 18 U.S.C. § 2252(b)(1); and

(2) The defendant has not rebutted the presumption that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

The evidence against the defendant is substantial. Images of child pornography from the internet were found on the defendant's computer, and the images had been downloaded using a PayPal account in the defendant's name. The findings and conclusions contained in the Pretrial Services Report are adopted, supplemented by the testimony of Agent DeJohn and the defendant's wife. The defendant's wife is from Taiwan, giving him access to life in a foreign country. The defendant's wife believes the defendant has a drinking problem, especially while watching football on television. The

defendant has become violent toward his family in the recent past, even to the point of brandishing a firearm when he is drunk and watching sports events on television. These events have resulted in arrest and detention of the defendant by the local police. The unpredictability of the defendant when he is drinking cannot be policed by the courts. The defendant is a poor bond risk.

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States marshal for the purpose of an appearance in connection with a court proceeding.

ORDERED this 4th day of August, 2009.


B. JANICE ELLINGTON
UNITED STATES MAGISTRATE JUDGE